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3 **IN THE UNITED STATES DISTRICT COURT**  
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS  
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM  
COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,  
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364 ).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Marlin Pavelek

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
20 the time of implant: Ohio

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Ohio

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup> X) Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☒ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

July 10, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Ohio (insert state) Law  
Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices

Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting  
this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey  
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60 East 42<sup>nd</sup> St., Suite 950  
New York, New York 10165  
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 10<sup>th</sup> day of October, 2017, I electronically transmitted  
13 the attached document to the Clerk's Office using the CM/ECF System for filing and  
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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